

KRAKOWER DICHARA LLC

Attorneys and Counselors at Law  
www.kdlawllc.com

*Michael R. DiChiara*  
Member  
md@kdlawllc.com  
Admitted in NJ, NY, and MA

307 Bloomfield Avenue  
Suite 103  
Caldwell, NJ 07006

p (201) 746-0303  
f (347) 765-1600

February 25, 2025

**VIA ECF**

Hon. Susan D. Wigenton  
United States District Court Judge  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**Re:** The Estate Of Kristen McCartney et al. v. Seton Hall University et al.  
Civil Action No. 24-6179

Dear Judge Wigenton:

This firm represents Joseph E. Nyre concerning the above referenced matter. I write to request that the Court issue an order dismissing Dr. Nyre from this case with prejudice. The reasons for this request are set forth below.

Dr. Nyre was named as a defendant in the initial complaint filed by Plaintiffs. On September 25, 2024, Dr. Nyre filed a motion to dismiss the complaint against him. On January 7, 2025, this Court entered an order granting Dr. Nyre's motion without prejudice and allowing Plaintiffs to file an amended complaint within thirty days. (Dkt. # 29.) The Court also noted that failure to timely file an amended complaint may result in the dismissal of this matter with prejudice. In this regard, Plaintiffs filed an amended complaint on February 6, 2025. Notably, Plaintiffs did *not* name Dr. Nyre as a defendant in the amended complaint. (Dkt. # 31.) Accordingly, as more than thirty days have passed since the Court's order of January 7, 2025 and Plaintiffs did not list Dr. Nyre as a defendant in the amended complaint, Dr. Nyre respectfully requests that the Court enter an order dismissing him with prejudice.

Thank you for your consideration of this request.

Respectfully submitted,

*Michael R. DiChiara*

Michael R. DiChiara